

Applicants : Alexander T. Chenvainu et al.  
Serial No. : 10/666,497  
Filed : September 19, 2003  
Page : 6 of 8

Attorney Docket No.: 00216-616001 / OB-211

**AMENDMENTS TO THE DRAWINGS:**

The attached replacement sheet includes changes to Fig. 3. This figure replaces the original figure.

New Fig. 3 includes a label for ribs 101.

Attachments following last page of this Amendment:

Replacement Sheet (1 page); and  
Annotated Sheet Showing Changes (1 page).

**REMARKS**

This amendment is submitted with a request for continued examination.

An IDS is submitted herewith.

Claims 1-22, 24-30, 33, 34 and 36 are cancelled herewith; claim 35 is currently amended and claims 37-49 are new. Support for the amendments to claim 35 and for the new claims is found, e.g., in Figs. 3, 3A and 3B, and in the corresponding portion of the Written Description at page 6, lines 12-19. No new matter has been added.

Applicants have amended the paragraph in the Specification beginning at page 6, line 12 to include the clause “with each elastomeric fin optionally having a textured surface including ribs 101”. New Fig. 3 labels the ribs 101, which were shown in originally filed Fig. 3. No new matter has been added by these amendments. A replacement drawing sheet and an annotated drawing sheet is also included.

Claim 11 has been objected to as being of improper dependent form because it fails to further limit the subject matter of the previous claim; claims 1-22 and 24 have been objected to because of an antecedent basis issue or an improper use of parentheses. Applicants do not necessarily agree, but have nevertheless cancelled the claims (as described below) in order to progress prosecution.

Claim 22 has been rejected as being indefinite. As described in above, claim 22 has been cancelled.

Claims 1, 2, 7, 8, 10 and 15 have been rejected as being anticipated by Shipp, U.S. Patent No. 5,604,951 (“Shipp”), as evidenced by Kott, U.S. Patent No. 3,196,299 (“Kott”); and claims 1, 2, 4, 5, 7-10, 12, 14, 16 and 17 have been rejected as being anticipated by Hudson, U.S. Patent No. 5,881,425, as evidenced by Kott. Applicants do not agree, but have nevertheless cancelled the rejected claims to further prosecution.

Claims 1, 2, 7, 8, 10, 11, 17, 25, 26 and 33 have been rejected as being obvious over Driesen, U.S. Patent No. 5,652, 990 (“Driesen”) in view of Braun, U.S. Published Patent Application 2004/0154112 (“Braun ‘112”); claims 1, 7, 8, 10, 11, 17-22, 25 and 33 have been rejected as being obvious over Kressner, U.S. Patent No. 6,021,538 (“Kressner”); claims 1-10, 15-17 and 24 have been rejected as being obvious over Millar, U.S. Patent No. 5,315,731 (“Millar”) in view of Shipp; claims 1, 2, 4, 5, 7-13, 16-18, 20, 21, 22, 25, 26, 28, 29, 33 and 34

have been rejected as being obvious over Brown, Published U.S. Patent Application 2002/0138926; and claims 25, 27, 28 and 30 have been rejected as being obvious over Kott, in view of Millar, and further in view of Shipp. Applicants do not agree, but have nevertheless cancelled the rejected claims to further advance prosecution.

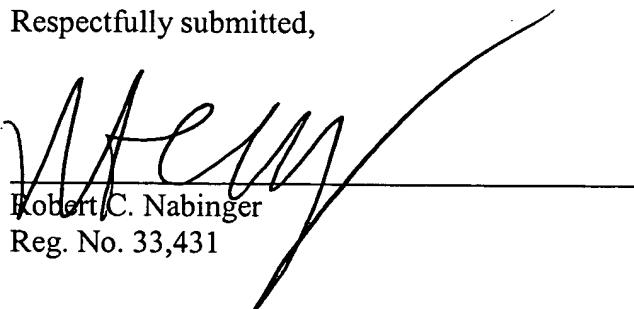
Claims 35 and 36 have been rejected as being obvious over Kott in view of Braun, U.S. Patent No. 6,553,604 ("Braun '604") and further in view of Hudson, U.S. Patent No. 5,881,425 ("Hudson"). Applicants respectfully request reconsideration and withdrawal of the rejections for at least the following reasons.

Amended independent claim 35 requires, in pertinent part, a toothbrush having a support member including a lower portion constructed to be oscillated and a top surface that is oval, elliptical or rounded diamond in shape; and a plurality of elastomeric fins pivotably mounted in and extending from the support member, each elastomeric fin having a textured surface. Applicants submit that the textured surface can, e.g., enhance the cleaning action of the elastomeric fins and/or improve mouthfeel.

None of the references cited disclose or even suggest such claim limitations. Applicants respectfully submit that claim 35 and all claims that depend therefrom are non-obvious over the cited art for at least these reasons, and respectfully request withdrawal of the rejection along with a Notice of Allowance.

Enclosed is a \$120.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 00216-616001.

Respectfully submitted,

  
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**FIG. 3**

